U.S. House of Representatives' "Armenian genocide" resolution stalls, *CP* 186–87
Arms control
Convention on Cluster Munitions (2008), U.S. opposes, *CP* 889–92
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Ottawa Convention) (1997), *CP* 190
Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925), 663
Intermediate Range Nuclear Forces Treaty (INF) (1987)
joint U.S.-Russia statement supporting, *CP* 191–92
Nuclear Non-Proliferation Treaty (NPT) (1968), *CP* 887–88
Permanent Security Council members' statement on Iranian nuclear program, *CP* 887–88
UN Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) (1980), *CP* 190, 724
Protocol on Explosive Remnants of War (Protocol V), *CP* 890
Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II), *CP* 190–91, 724
U.S. and multilateral efforts to curb Iran's nuclear program, *CP* 176–77, *CP* 187–90, *CP* 664–67, *CP* 887–89
U.S. criminal charges against companies violating arms controls on Iran, *BN* 380
U.S.-India nuclear cooperation agreement, *CP* 897–98
U.S. landmine policies, *CP* 190–91
U.S. new cluster munitions policy, *CP* 890–92
U.S. policy on North Korean nuclear program, *CP* 884–87
U.S. reductions in nuclear weapons stockpile, *BN* 379–80
Association of South East Asian Nations (ASEAN), initiates regional network on intellectual property crime, *BN* 381–82
Australia, concludes Defense Trade Cooperation Treaty with U.S., *CP* 373–75
Aviation
International Convention on Civil Aviation (Chicago) (1944), *CP* 171–72
greenhouse gas emissions from, *see* Environment

Bederman, David J.
(Ed.) International Decisions, 610, 828
Medellín's New Paradigm for Treaty Interpretation, *Ag.* 529
Benvenisti, Eyal, Reclaiming Democracy: The Strategic Uses of Foreign and International Law by National Courts, *LA* 241
Ben-Naftali, Orna, & Iris Canor, *ID* 128–34
Berne Convention for the Protection of Literary and Artistic Works (1971), 427–29
Bettauer, Ronald J., *BR* of O'Keefe, 220
Bilder, Richard B. (Ed.), Recent Books on International Law, 197, 384, 672, 902
Boas, Gideon, The Miloševíc Trial: Lessons for the Conduct of Complex International Criminal Proceedings, *BR* 691
Bodansky, Daniel (Ed.), International Decisions, 113, 316
Bodeau-Livinec, Pierre, *ID* 322–31
Bolivia, U.S. Ambassador recalled, *CP* 868–69
Books Received, 235, 415, 707, 939
Bradley, Curtis A., Intent, Presumptions, and Non-Self-Executing Treaties, *Ag.* 540
Bratspies, Rebecca M., and Russell A. Miller (Eds.), Transboundary Harm in International Law: Lessons from the Trail Smelter Arbitration, *BR* 395
Brazil, in case before WTO on discriminatory trade measures, *ID* 610–16
Brewer, Stephanie Erin, *see* Cavallaro, James L.
Broude, Tomer, *BR* of Wolfrum, Stoll, and Siebert-Fohr, 936
Brower, Charles N., William D. Rogers (1927–2007), *NC* 108
Brunnée, Jutta, *BR* of Bratspies & Miller, 395
Burma (Myanmar), U.S. Executive Order 13,448 imposes sanctions against, *CP* 174–76

Butler, William E., Treaty Capacity and the Russian State Corporation, *CD* 310
Buzzini, Gionata P., *see* Bodeau-Livinec, Pierre

Canada
Canadian cattlemen's case against U.S. before NAFTA dismissed, *CP* 376–77
Charter of Rights and Freedoms (1982), *ID* 143–48, 255
in softwood lumber dispute before LCIA, *CP* 192–94
Supreme Court on extraterritorial enforcement jurisdiction, *ID* 143–48
Canor, Iris, *see* Ben-Naftali, Orna
Carty, Anthony, Philosophy of International Law, *BR* 902
Cavallaro, James L. and Stephanie Erin Brewer, Reevaluating Regional Human Rights Litigation in the Twenty-first Century: The Case of the Inter-American Court, *LA* 768
Charnovitz, Steve
[The] ILO Convention on Freedom of Association and Its Future in the United States, *Ed.* 90
Revitalizing the U.S. Compliance Power, *Ag.* 551
Cheney, Richard, on interrogation, waterboarding, of terrorism suspects, *CP* 359–60
Chesney, Robert M., *ID* 848–54
Chesterman, Simon
BR of Zaum, 405
(Ed.), Secretary or General? The UN Secretary-General in World Politics, *BR* 930
China, People's Republic of, Japan–China Joint Communiqué of 1972, *ID* 149, 151–53
China, Republic of, Sino-Japanese Treaty of Peace (1952), *ID* 151–53
Clark, Ian, International Legitimacy and World Society, *BR* 926
Cohen, Harlan Grant, *ID* 854–59
Contemporary Practice of the United States Relating to International Law, 155, 346, 635, 860
Convention on International Trade in Endangered Species (CITES) (1973), 448, 473
Convention on Supplementary Compensation for Nuclear Damage (CSC), U.S. ratification of, *CP* 897
Convention on the Prevention and Punishment of the Crime of Genocide (1948), 9, 28, 31, *CD* 588–90, *CD* 594–98
Council of Europe, and human rights, 479, 486–87, 496–97, 501
Crook, John R.
BR of McLachlan, Shore, & Weiniger, 390
(Ed.) Contemporary Practice of the United States Relating to International Law, 155, 346, 635, 860
Cuba
Guantánamo Bay
former secretaries of state call for ending detentions at, *CP* 653–54
sovereignty over, *ID* 849, 853, *CP* 864
See also United States Department of Defense
Cummins, Sally J. (Ed.), Digest of United States Practice in International Law, 2005, *BR* 233
Current Developments, 310, 588
Customary international law, *CD* 599–601, *CP* 662–64
adoption doctrine, *ID* 144, 146
and regulatory takings, 481–83, 523–24
and WTO practice, 435–39
applicability of, to U.S. interrogation methods, *CP* 652
Calvo doctrine, 52, 66–68
presumption of conformity of domestic law, *ID* 144, *ID* 147–48, 248
U.S. Legal Adviser on adequacy of principles of, *CP* 368
See also Human rights; International law

Davis, Benjamin G., *BR* of Clark, 926
Death penalty, Texas rejects ICJ rulings; executes Medellín, *CP* 862–63
Deliberative democracy, *see* United Nations Security Council
de Londras, Fiona, *ID* 616–22
DiMascio, Nicholas, & Joost Pauwelyn, Nondiscrimination in Trade and Investment Treaties: Worlds Apart or Two Sides of the Same Coin?, *LA* 48
Dinstein, Yoram, *BR* of Stürchler, 918
Diplomatic and consular relations
consular notification as private right, *CP* 159–61
failure to provide consular information, *CP* 159–61, *ID* 622–28
immunity of foreign officials acting in official capacity, *CP* 643–45
Presidential directive on consular notification overturned (*Medellín*), *CP* 635–38

U.S. Ambassador to Bolivia recalled, *CP* 868–69
U.S. designates Kosovo embassy, *CP* 639
U.S. protests in attack on Belgrade embassy, *CP* 640–41
Discrimination
United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979), 22–24, 26–27
United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1965), 22–24, *ID* 842
Dolzer, Rudolf, & Christoph Schreuer, Principles of International Investment Law, *BR* 915
Doyle, Michael W., *see* Luck, Edward C.
Drahozal, Christopher R., & Christopher S. Gibson, The Iran-U.S. Claims Tribunal at 25: The Cases Everyone Needs to Know for Investor-State & International Arbitration, *BR* 213
Drumbl, Mark A., Atrocity, Punishment, and International Law, *BR* 197
du Plessis, Max, & Stephen Peté (Eds.), Repairing the Past? International Perspectives on Reparations for Gross Human Rights Abuses, *BR* 917

Environment
Group of Eight on reducing greenhouse gas emissions, 165
interjudicial cooperation on, 249, 252–53, 258–62, 270, 272
International Carbon Action Partnership (ICAP) established, *CP* 162–64
Montreal Protocol on Substances that Deplete the Ozone Layer (1987),
U.S. supports hydrochlorofluorocarbons (HCFCs) agreement, *CP* 173–74
protection of, in developing countries, 258–62
trade restrictions to achieve environmental goals, *ID* 610–13
U.S.-EU conflict on aviation greenhouse gas emissions, *CP* 171–73
U.S. joins in Arctic Declaration on existing regime, *CP* 872–73
U.S. regulations and policies on, *ID* 134–43, *CP* 164–68
See also International environmental law
European Community, and international trade law rules, *ID* 335–36
Commission of the European Communities
authority under Trade Barriers Regulation (TBR), *ID* 331–35
in case before ECFI on selective sanctions, *ID* 331–37
referral of disputes to WTO, *ID* 331–32, 334–35, 337
Trade Barriers Regulation (TBR) (1994), *ID* 331–37
European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), 10–14, 21, 25, 338–45, 496–97, 499–504, 527
diplomatic assurances, *ID* 616–22
extraterritorial jurisdiction, *ID* 628–34
incompatibility of, for states parties acting for UN, *ID* 323–31
prohibition on torture, *ID* 616–22
proportionality, 756–62
Protocol 1 (1952) protection of private property, 480, 496–503, 525
Protocol 14 (2004) amending Court procedures, 796
respect for private life, *ID* 129–31
right to liberty, *ID* 323, *ID* 338–41, *ID* 344–45
right to life, *ID* 128–29, *ID* 323, *ID* 339–40, *ID* 629
European Convention on Cybercrime (2001), U.S. views on, *CP* 650
European Court of First Instance (ECFI)
authority to review UNSC resolutions, 297–98
on EC action under Trade Barriers Regulation, *ID* 331–37
on legality of U.S. selective sanctions, *ID* 331–34
European Court of Human Rights (ECHR), 25, 516, 521, 523, 768–69, 771–74
jurisdiction *ratione personae*, *ID* 325–26
on attribution of conduct, *ID* 323–31, *ID* 339–40
on claims of regulatory takings, 488, 496–502, 504, 523, 527
on diplomatic assurances, *ID* 616–22
on extraterritorial jurisdiction, *ID* 630–34
on proportionality, 498–500, 527, 752, 756, 759–62
on respect for private life, *ID* 128–34
procedures, 793, 796, 803–04
protection of human dignity, 480, 488, 496–505, 525, 527

European Court of Justice (ECJ), 250, 488–89, 523
and European integration regime, 501–05, 521
and proportionality principle, 752–56
on regulatory takings, 480, 501–05
European Union, 270, 272, 496–97, 501–02, 505, 783
Charter of Fundamental Rights (2000), 502–03
conflict with U.S. on aviation greenhouse gas emissions, *CP* 171–73
Expropriation, *see* International economic law

Falk, Richard A., *BR* of Carty, 902
Fassbender, Bardo, Der offene Bundesstaat: Studien zur auswärtigen Gewalt und zur Völkerrechtssubjektivität bundesstaatlicher Teilstaaten in Europa, *BR* 211
Fellmeth, Aaron Xavier, *BR* of Kaikobad, 703
Fietta, Stephen, *ID* 119–28
France, in case before ECHR, *ID* 323–31
[The] Francis Deák Prize, *NC* 587
Franck, Thomas M., On Proportionality of Countermeasures in International Law, *LA* 715

Gámez-Bonilla Treaty (1894), 113–15
General Agreement on Tariffs and Trade (GATT) (1947), *see* World Trade Organization
Geneva Convention (No. III) Relative to the Treatment of Prisoners of War (1949)
U.S. Legal Adviser on repatriation rules, *CP* 369–70
Geneva Convention (No. IV) Relative to the Protection of Civilian Persons in Time of War (1949), *ID* 338–39, *CP* 369, *CP* 663
Geneva Conventions for the Protection of Victims of War (1949), 257–58, *ID* 343, *CP* 367–70, 719, 725–26, 734, 737, 764
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977), 725–26
and proportionality, 734, 737, 764
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), *CP* 367–68
U.S. Legal Adviser on applicability of, to detention and repatriation of terrorists, *CP* 367–70
Genocide, U.S. legislation expands criminal jurisdiction over, *BN* 378–79
Germany, Federal Republic of, in case before ECHR, *ID* 323–31
Gibson, Christopher S., *see* Drahozal, Christopher R.
Globalization,
and counterterrorism, 245, 252–58, 270
and interjudicial cooperation, 252–69, 272–73
impact of, on national courts' decision-making, 241–52, 272–74
transnational checks and balances, 269–73
See also International law; International economic law
Goldsmith, Jack, The Terror Presidency: Law and Judgment Inside the Bush Administration, *BR* 672
Gray, Kevin R., *ID* 610–16
Guantánamo Bay, *see* Cuba, United States Department of Defense;
Guyana, in case before UNCLOS Tribunal, *ID* 119–28

Haas, Peter M., *BR* of Luck and Doyle, 226
Hague Convention on Civil Aspects of International Child Abduction (1980), *CP* 893–94
Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance (2007), U.S. signing, *CP* 377–78
Hague Conference on Private International Law, 194, 377
Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993), U.S. ratification and entry into force of, *CP* 194–95, *BN* 671
Hague Convention (No. IV) Respecting the Laws and Customs of War on Land (1907), *ID* 151
[The] Hague Prize for International Law, call for nominees, *NC* 112, 724
Hague Regulations Respecting the Laws and Customs of War on Land (1907), *CP* 663
Hathaway, James C., The Rights of Refugees Under International Law, *BR* 206
Havana Charter for an International Trade Organization, 423, 426–28

Higgins, Rosalyn, ICJ President, statements to UN and ILC, *CD* 606–08
Honduras, in boundary dispute with Nicaragua before ICJ, *ID* 113–19
Horizontal Human Rights Law, *LA* 1
Human rights
African system of, *see* African Union
and regulatory takings, 475, 479–80, 487, 496–502, 507, 522, 524, 527–28
corporate and private actor obligations, *LA* 1–47
detention, *ID* 337–45
European system of, *see* European Convention for the Protection of Human Rights; European Court of Human Rights
extraordinary rendition, *ID* 858, *CP* 877, 880
extraterritorial protection of, *ID* 143–48
freedom of association and labor/workers' rights, *see* International Labour Organization
Human Rights Defenders Declaration (1998), 35
indigenous peoples' rights, *ID* 841–47
Inter-American system of, *see* Organization of American States
litigation in regional tribunals, *LA* 768–827
reproductive freedom, *ID* 128–34
right to life of embryo, *ID* 128–29
right to property, 481, 486–501, 520, 524, 527, *ID* 841–46
sovereignty over natural resources, *ID* 844–47
state acknowledgment of responsibility for, 771, 787, 794, 798–99, 808–16
Universal Declaration of Human Responsibilities (1997), 33–34, 39–40
U.S. efforts to identify and deport abusers of, *CP* 179–81
U.S. Legal Adviser on human rights litigation under Alien Tort Statute, *CP* 657–62
See also International human rights law; African Union; Military commissions; Rape

India
International Atomic Energy Agency (IAEA) plan to safeguard reactors, *CP* 898
U.S.-India Peaceful Atomic Energy Cooperation Act (2006), *CP* 897–98
Intent, Presumptions, and Non-Self-Executing Treaties, *Ag.* 540
Inter-American Commission on Human Rights, *see* Organization of American States
Inter-American Court of Human Rights, *see* Organization of American States
International Association of Refugee Law Judges (IARLJ), 263
International Atomic Energy Agency (IAEA)
on Iran's nuclear program, *CP* 188–89, *CP* 664–65, *CP* 888
plan to safeguard India's nuclear reactors, *CP* 898
International Centre for Settlement of Investment Disputes (ICSID), 66, 480, 491, 516–19, 521, 525
International Civil Aviation Organization (ICAO), *CP* 171–73
measures on international aviation and climate change, *CP* 172
U.S. views on role of, in regulating aviation greenhouse gas emissions, *CP* 171–73
International Committee of the Red Cross (ICRC)
access to detainees at Guantánamo, *CP* 182–83
commentary on Geneva Conventions Protocol 1, 725–26
meetings with U.S. on detention practices in conflict areas, *CP* 366–67
International Court of Justice, 480, 485, 524
and attribution principle, *CD* 588, 721–22, 764
and proportionality principle, 718, 720–730, 739–42, 764–65
docket and future work, *CD* 608–09
Draft Protocol for the Enforcement of ICJ Judgments, 562–63
enforceability of decisions of, *Ag.* 529–72, *ID* 622, 624–26, *CP* 635–37
jurisdiction, *CD* 588, *CD* 590–92
on acquisition of derivative title, *ID* 833–34
on conduct of parties, *ID* 830–34
on equidistance and angle bisector delimitation methods, *ID* 113, 116–19
on failure to provide consular information, *ID* 622–28, *CP* 860
on res judicata, *CD* 588, *CD* 590–92
on sovereignty, *ID* 115 *ID* 828–34
on standard of and burden of proof, *CD* 588, *CD* 592–94, 607
on state responsibility, *CD* 588, *CD* 594–96, 606, 608
on third state interests, *ID* 117–19
on *uti possidetis juris*, *ID* 115–16

procedural and administrative matters, *CD* 606
relations with other UN organs, *CD* 606–07
Statute of the International Court of Justice, 529, 532, 624
as non-self-executing treaty, 529, 532, 547, 554–56, *ID* 624–25, 628, *CP* 635–38
binding force of decisions, 532, 561, *ID* 624, *CP* 636–37
interpretation of judgment, *CP* 860–62
International Covenant on Civil and Political Rights (1966), 10–14, 21, 23, 98, *ID* 338, 344, *ID* 629, 755–59, *ID* 843
Human Rights Committee, 13, 21, 23, *ID* 344, *ID* 633, 757–59, *ID* 842
International Covenant on Economic, Social and Cultural Rights (1966), 10–14, 755, *ID* 843
International Criminal Court, 2, 28, 30–31
Rome Statute of the International Criminal Court (1998), 28, 31, *CP* 184–85
International criminal law
and proportionality, 718, 734–37
correlation to human rights, 24, 28–29
Intellectual Property Criminal Enforcement Network (IPCEN) launched, *BN* 381–82
prisoner transfer program, *CD* 381
U.S. expands criminal jurisdiction over genocide, *BN* 378–79
U.S. views on cyber-security, *CP* 650
See also Rape; International humanitarian law
International Criminal Tribunal for the Former Yugoslavia, *CP* 179–80, 344
and proportionality, 735–37
Statute, *CP* 184
International Decisions, 113, 316, 610, 828
International economic law
adverse trade effects test, *ID* 331–36
and treatment of aliens, 51–53, 69
Calvo doctrine, 52, 66–68
corporate responsibility and liability, 2–4, 18–31, 37–47
expropriation and regulatory takings, *see* International investment law
fair and equitable treatment, 54, 68–69, 478, 480, 483, 516, 524–25
goals, objectives, and political economies of, 51–79
government regulatory power, 475–84, 495–97, 500, 506–08, 511–13, 524–28
history of, 51–55, 58–79, 476–481
less favorable treatment, 64–66, 74, 76–79, 82–87
likeness tests, 63–66, 68, 71–76, 79–89
margin of appreciation, 478, 480, 498–500, 504, 514, 516
national treatment, *LA* 48–89, 516
evolution of concept, 58–79
GATT/WTO dispute settlements on, 62–72, 76–83, 86–89
interpretations of, by tribunals, 48–51, 53, 58–89
in trade and investment treaties and agreements, 48–51, 53, 58–89
NAFTA tribunals on, 50, 71–79, 81, *CP* 376–77
WTO Appellate Body on, 48–49, 60, 62–66, 77–78
See also World Trade Organization/GATT; North American Free Trade Association
proportionality, 482, 498–99, 512, 525–27
regulatory takings and expropriations, *see* International investment law
selective sanctions, *ID* 331–33, 336–37
softwood lumber dispute, 43, 49, 73, 79, *CP* 192–94, 440, 446, 457
state corporation as legal mechanism, *CD* 310–15
transnational corporations and human rights obligations, *LA* 1–47
U.S. law on divestment in companies doing business with Sudan, *CP* 370–73
U.S. policy on internet governance, *CP* 648–50
U.S. views on cyber-security, *CP* 650
See also Human rights; International investment law; International trade law
International environmental law
and human rights, 42–43
U.S. joins in Arctic Declaration supporting existing regime, *CP* 872–73
U.S. Legal Adviser on Arctic legal regime, *CP* 873
U.S. positions on climate change, *ID* 138–43, *CP* 164–68
International humanitarian law
and proportionality, 719, 724–26, 731, 734–37, 764
detention of individuals, *ID* 337–45, *ID* 852
immunity of state officials for crimes against humanity, 271
military use of herbicides, *CP* 662–64

sexual violence during armed conflict, *BN* 899–900
U.S. defends waterboarding of terrorists, *CP* 359–61
U.S. detention practices in conflict areas, *CP* 366–67
U.S. Legal Adviser on contemporary applicability of, *CP* 367–68
International human rights law, 524
aiding and abetting violations of, *CP* 183–85
allanamiento, 808–16
deprivation of liberty, *ID* 337–45
duties of individuals, corporations and private actors, *LA* 1–47
converse, correlative, corporate, 2–31, 37–49
in declarations, charters and treaties, 4–18, 40
litigation in regional tribunals, *LA* 768–827
role of domestic and international mechanisms, 18–20, 23–37, 44–47
U.S. Legal Adviser on costs/benefits of litigation on, *CP* 657–62
See also Human rights; International economic law
International investment law, 524
and customary international law, 51–53, 69, *see also* regulatory takings
and international trade law, 49–53, 79–82
bilateral investment treaties (BITs), 48–59, 66–69, 80–84, 475–80, 485, 493, 516–21, 526
history of, 476–81
national treatment in, *see* International economic law
nondiscrimination in agreements and treaties, *LA* 48–89
regulatory takings and expropriation, *LA* 475–528
and customary international law, 481–83, 491–95, 499–501, 507, 511, 514–15, 520–24, 527
compensation, 477–82, 487, 490, 497–99, 503, 510, 516, 520, 524
government powers, 475–84, 495–97, 500, 506–08, 511–13, 524–28
history of, 476–481
indirect expropriation, 478–84, 495, 505–06, 511–13, 517, 520–22, 526
institutional dispute settlement regimes, 475–80, 484–528
legal doctrine on, 475, 481–84, 498–502, 511, 518–21, 526–27
norms governing 475–81, 483
See also International economic law; International trade law
International Labour Organization (ILO), and freedom of association, 90–95
Committee of Experts on the Application of Conventions and Recommendations, 92
Committee on Freedom of Association (CFA), 91–92, 103–04
Constitution, in Treaty of Versailles, XIII, 90, 92, 99, 105
Convention Concerning Freedom of Association and Protection of the Right to Organize (No. 87) (1948), 90–91
compatibility with U.S. federal and state law, 103–07
U.S. failure to ratify, 90–91, 94–107
Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries, *ID* 843
Convention Concerning the Right to Organize and Bargain Collectively (No. 98) (1949), 91–92
Convention on Freedom of Association and Its Future in the United States, *Ed.* 90
Declaration on Fundamental Principles and Rights at Work (1998), 93–94, 96–98, 104
labor rights in U.S. trade policy, 95–98
U.S. participation in and withdrawal from, 99–100
U.S. practice on conventions of, 91, 94–107
International law
adoption doctrine, *ID* 144, 146
and climate change regulation, *ID* 138–43
and government policy-making, 243–49, 268–71
and private actor human rights duties, 27–30
applicability of, to U.S. interrogation methods, *CP* 651–52
application of, by national courts, *LA* 241–74
à titre de souverain, *ID* 832–34
attribution of conduct, *ID* 324–31, *ID* 339–42
diplomatic assurances, *ID* 616–22, *CP* 882–84
due process standards, *ID* 317, 320–22

effective control over territory or conduct, *ID* 323–25, 327–29, 341–42
extraterritorial jurisdiction, *ID* 143–48
fragmentation of, 521–25, *CD* 608
in dubio mitius, 442–43
jus cogens, 297–98, 340, 342–44, 421, 426, *CP* 643–45
margin of appreciation, 331, 334–35, 478, 480, 498–500, 504, 514, 516, *CP* 632
parens patriae, *ID* 138–39
"real risk" standard, *ID* 617–18
res judicata, 441, 588, 590–92
state responsibility, *CD* 588, 594–96, 606, 608
uses of, by national courts, *LA* 241–274
See also Customary international law; Proportionality; State responsibility

International Law Commission
Articles on Responsibility of States for Internationally Wrongful Acts, 437, 467, 595, 727–28, 732, 746–48
draft Articles on the Responsibility of International Organizations, *ID* 324, 326–30, 341

International Legal Materials, Contents, 239, 240, 419, 714, 945

International Monetary Fund, relationship with WTO, 427, 435

International organizations
deliberative democracy in, 276–83
responsibilities of, *ID* 324–30, 341

International Telecommunication Union, *CP* 648–50

International trade law
adverse trade effects, *ID* 331–37
and climate change regulation, *ID* 138–43
and customary international law, 51–52
and international investment law, 49–53, 79–82
and proportionality, 715, 728, 742–52, 764–65
discriminatory application of measures, *ID* 611
initiation of WTO dispute settlement procedure, *ID* 331–32, 334–37
international trade rules, *ID* 331–37
Kimberley Process Certification Scheme, *CP* 900–01
least restrictive means, 751–54, 765
Mercosur Agreement–Treaty of Asuncion (1991), *ID* 610–11, 615
national treatment, *see* International economic law
nondiscrimination in agreements and treaties, *LA* 48–89
selective sanctions, *ID* 331–37
softwood lumber dispute, 49, 73, 192–94
trade-environment suits, *ID* 610–13
U.S. additional sanctions on Sudan, Burma, and Iran, *CP* 174–77
"zeroing", *ID* 834–41
See also International economic law; International investment law

International Tribunal for the Law of the Sea
competence of, while case before domestic court, *ID* 317, 320–21
denies application for release of fishing vessel, *ID* 316–22
on due process standards, *ID* 317, 320–22
on prompt release on bond, *ID* 316–22

Iran
additional UN sanctions, *CP* 665–67
six-power proposals on nuclear program, *CP* 888–89
UNSC permanent members statement on nuclear program, *CP* 887–88
U.S. and multilateral efforts to curb nuclear program, *CP* 176–77, *CP* 187–90, *CP* 664–67, *CP* 887–89
U.S. files criminal charges against companies violating arms controls against, *BN* 380
U.S. participation in high-level meeting with, *CP* 888

Iran-U.S. Claims Tribunal, 480, 485, 488–89, 494, 517–18, 521, 526
Algiers Accords, 505, 507, 509
on regulatory takings claims, 505–09

Iraq
court-martial of civilian defense contractor in, *BN* 669
Declaration of Principles with U.S., *CP* 155–58, *BN* 894–95
detention of individuals in, *ID* 337–45, *CP* 866–68
immunity of U.S. security firms (Blackwater) in, *CP* 161–62
jurisdiction involving persons held by U.S. forces in, *CP* 866–68
proceedings against U.S. military personnel for possible offenses in, *CP* 185–86
responsibility for foreign country's activities in, *ID* 628–33

UN Multinational Force–Iraq (MNF-I), *CP* 156–57, *ID* 338–40, 342, *ID* 854–57, *CP* 866–68
waiver of liability in terrorism suits, *CP* 350–52
Israel
immunity of foreign official acting in official capacity, *CP* 643–45
suit against IDF General for shelling UN compound dismissed, *CP* 643–45
suit on sale of bulldozers to Israeli Defense Forces (IDF), *CP* 158–59
Italy, in case before ECHR on expulsion of suspected terrorist, *ID* 616–22

Japan
claims of Chinese wartime victims against, dismissed, *ID* 148
in two cases against Russia before ITLOS, *ID* 316–22
Joint Communiqué of 1972, with China, *ID* 149, 151–52
San Francisco Peace Treaty (U.S.-Japan) (1951), *ID* 149, 151–53
Sino-Japanese Treaty of Peace (1952), *ID* 151–53
Johnstone, Ian, Legislation and Adjudication in the UN Security Council: Bringing Down the Deliberative Deficit, *LA* 275
Jurisdiction
extraterritorial, *ID* 143–48, *CP* 161–62, *ID* 323–24, *ID* 628–34
jurisdictional nature of U.S. Alien Tort Statute, *CP* 658–59
of ICJ, 531–32, 556, 565, *ID* 622–24, *CP* 635–36
of military commissions under U.S. Constitution, *Ed.* 573–86
of NAFTA, *CP* 376–77
over individual/personal/state agent authority, *ID* 629–30, 634
over UN resolutions and actions, 297–98, *ID* 338–40, 343
over U.S. security firm's (Blackwater) actions in Iraq, *CP* 161–62
ratione personae, *ID* 323–26

Kaikobad, Kaiyan Homi, Interpretation and Revision of International Boundary Decisions, *BR* 703
Karamanian, Susan L., *BR* of Kirgis, 384
Kaye, David, *BR* of Kennedy, 400
Kennedy, David, Of War and Law, *BR* 400
Kirgis, Frederic L., The American Society of International Law's First Century: 1906–2006, *BR* 384
Knox, John H., Horizontal Human Rights Law, *LA* 1
Korea, North
U.S. actions and policy on North Korean nuclear program, *CP* 884–87
Kosovo
Kosovo Force (KFOR), *ID* 323–31, *ID* 339–42
U.S. designates Kosovo embassy, *CP* 639
U.S. recognition of, as independent state, *CP* 638–40
See also UN Mission in Kosovo (UNMIK)

Lathrop, Coalter G.
ID 113–19
ID 828–34
Lavranos, Nikolaos, *ID* 331–37
Law of the sea
Combined Maritime Forces coalition, *CP* 170
due process standards, *ID* 317, 320–22
effect of confiscation on nationality of vessel, *ID* 316–18, 321–22
exclusive economic zone (EEZ), *ID* 316–17
prompt release on bond, *ID* 316–22
United Nations Convention on the Law of the Sea (1982), *ID* 116–28, 437
delimitation methods, *ID* 113, *ID* 116–27
reported out of U.S. Senate Foreign Relations Committee, *CP* 168–69
states' obligations under, *ID* 120, 125–27
U.S. President and Department of State urge Senate approval, *CP* 168–69
U.S. affirms role of, on Arctic environment and resources, *CP* 872–73
Law of treaties, *ID* 630
enforceability as domestic law, 531–32, 535–43, 545–68, 571–72, *ID* 622–28
interpretation of treaties, 529–47, 554–55, *ID* 626–27
interpretation of UNSC resolutions, *ID* 342–43
self-execution, 529, 532–33, 539–72, *ID* 624–27, *CP* 635–37
See also U.S. Supreme Court

Laws of war
and terrorism, 578, 581–84
and unprivileged combatants, *CP* 368–69
applicability of, to use of chemical agents, *CP* 662–64
defining existence and end of war, 578–84
detention, *CP* 368–69
enemy combatants, 584, *ID* 848–53
jus ad bellum, 719–22
jus in bello, 716, 721, 723–34, 765
military commission trials, 573–76
obligations under human rights treaties, *CP* 368
proportionality principle, 719, 734, 765
repatriation of detainees, *CP* 369–70
right of self defense, 717, 720–23, 727–33, 741, 765
treaty enforcement, *CP* 635–38
violations of, 573–74, 576, 584–85
Legislation and Adjudication in the UN Security Council: Bringing Down the Deliberative Deficit, *LA* 275
Lester, Simon, *ID* 834–841
Levin, Mark A., *ID* 148–54
Libya
agreement with U.S. on Pan Am 103 and other claims, *CP* 892–93
immunity from terrorism suits, *CP* 641–42, *CP* 892–93
Lomé Convention (1989), 431
Lowe, Vaughan, International Law, *BR* 920
Luck, Edward C., and Michael W. Doyle (Eds.), International Law and Organization: Closing the Compliance Gap, *BR* 226

Malaysia, in territorial dispute with Singapore, before ICJ, *ID* 828–34
Malone, David M., The International Struggle over Iraq: Politics in the UN Security Council, 1980–2005, *BR* 687
Matheson, Michael J., *BR* of Malone, 687
Mathew, Penelope, *BR* of Hathaway, 206
Mathias, D. Stephen, [The] 2007 Judicial Activity of the International Court of Justice, *CD* 588
Mavroidis, Petros C., No Outsourcing of Law? WTO Law as Practiced by WTO Courts, *LA* 421
McGuinness, Margaret E.
BR of Chesterman, 930
ID 622–28
McLachlan, Campbell, Laurence Shore, and Matthew Weiniger, International Investment Arbitration: Substantive Principles, *BR* 390
Medellín, *Ag.* 529
Medellín's New Paradigm for Treaty Interpretation, *Ag.*, 529
Meierhenrich, Jens, *BR* of Schabas, 696
Merryman, John Henry (Ed.), Imperialism, Art and Restitution, *BR* 408
Mexico
criticism of USSC decision in *Medellín* case, *CP* 635–36
in anti-dumping case against U.S. before WTO, *ID* 834–41
in consular notification case before ICJ, *ID* 623, *CP* 635–38, *CP 860–63*
Military commissions
and evidence from coercive interrogation techniques, *CP* 875
and war on terror, *Ed.* 573–86
enemy combatant designation overturned, *CP* 876–77
first full trial under Military Commissions Act, *CP* 873–75
legal and logistical delays in U.S. proceedings, *CP* 656–57
London Charter of the International Military Tribunal at Nuremberg, *CP* 184
scope of jurisdiction, *Ed.* 573–86
Military Commissions: Constitutional Limits on Their Role in the War on Terror, *Ed*, 573
Miller, Russell A., *see* Bratspies, Rebecca M.
Mosk, Richard M., *BR* of Aghahosseini, 215
Mundis, Daryl A., *BR* of Boas, 691
Murphy, John F., *BR* of Lowe, 920

Nafziger, James A. R.
BR of Merryman, 412
BR of Vrdoljak, 408
Netherlands, cooperation with U.S. on arms controls against Iran, *BN* 380
Nicaragua, maritime boundary dispute with Honduras before ICJ, *ID* 113–19
No Outsourcing of Law? WTO Law as Practiced by WTO Courts, *LA* 421
Nondiscrimination in Trade and Investment Treaties: Worlds Apart or Two Sides of the Same Coin?, *LA* 48

Nonstate actors, and possession of weapons of mass destruction, 290–94
North American Free Trade Agreement (NAFTA) (1992), 105, 480, 484, 488–89, 517–18, 521, 524, 526–28
and trilateral economic integration regime, 480, 478–79, 489, 509–18, 527–28
dismisses Canadian cattlemen claims against U.S., *CP* 376–77
fair and equitable treatment, 69, 478, 480, 514
national treatment provisions, 50, 70–86, 88, *CP* 376–77
proportionality, 512, 527
regulatory takings and expropriation claims, 475, 478–79, 509–16, 527
North Atlantic Treaty Organization (NATO), *ID* 323–28, 340
Norway, in case before ECHR, *ID* 323–31

O'Keefe, Roger, The Protection of Cultural Property in Armed Conflict, *BR* 220
On Proportionality of Countermeasures in International Law, *LA* 715
Orakhelashvili, Alexander
ID 337–45
on Byers's book review of "Peremptory Norms in International Law", *Corr.* 309
Orellana, Marcos A., *ID* 841–47
Organisation for Economic Cooperation and Development (OECD)
Arrangement on Guidelines, 427–29, 467
on national treatment provisions in investment treaties, 72
Organization of African Unity (OAU), *See* African Union
Organization of American States (OAS)
American Convention on Human Rights (1969), 3, 10–14, 21, 778, *ID* 841–44
human rights system, *LA* 778–826
Inter-American Commission on Human Rights, 13, 260, 778–80, 782, 790, 809–10, *ID* 841–42
Inter-American Court of Human Rights, 13, 25, 768, 771, 780–84
allanamiento, 808–16
as human rights advocate, 788–95, 802
current practices, 795–826
effectiveness, 770–71, 777–78, 784–95, 802–08, 816, 827
financial and political support of, 782–84, 795, 803
jurisprudence of, 794–95, 816–26, 842–43,
on concessions and foreign direct investment, *ID* 844–47
on indigenous and tribal peoples' rights, *ID* 841–47
on right to property and natural resources, *ID* 841–47
procedures and reforms, 781, 783, 791, 799–01, 805–06, 792–808
state acknowledgment of responsibility, 808–16
state compliance with orders of, 774, 781, 785–91, 817–18
Overseas Private Investment Corporation (OPIC), 488–93, 521–22, 527
and investment insurance regime, 480, 488–93, 522, 525
expropriation defined, 490–91, 525
regulatory takings claims, 478, 488–93, 525, 527
Oxman, Bernard H., *ID* 316–22

Pauwelyn, Joost, *see* DiMascio, Nicholas
Peru, U.S.-Peru Trade Promotion Agreement, 96–98, *CP* 195
Peté, Stephen, *see* du Plessis, Max
Philippines
in U.S. Supreme Court case involving Marcos assets, *CP* 346–47, *CP* 869–70
Private international law
U.S. ratification and entry into force of Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993), *CP* 194–95, *BN* 671
U.S. signing Convention on the International Recovery of Child Support and other Forms of Family Maintenance, *CP* 377–78
wrongful retention, *CP* 893–94
Proliferation Security Initiative, 253, 290
Proportionality
crimes against humanity, 731, 735–36
disputes before European Court of Justice, 752–55
disputes before WTO/GATT, 719, 742–52, 766
human rights implementation, 715, 755–62, 763, 765

individual criminal responsibility, 718, 734–37
in self defense, 719–23, 727–33, 741, 765
international trade law, 715, 728, 742–52, 764–65
jus ad bellum, 719–22
jus in bello, 716, 721, 723–34, 765
laws of war, 719, 723–29, 737, 751–52
least restrictive means, 751–54, 764–65
military force, 715, 719–37, 765–66
necessity principle, 720–37, 340–41, 749–52, 758–61, 765
nonmilitary countermeasures, 738–42
origins and role of, 718–19, 723–27, 734, 749, 755, 759, 762–64
UN Charter, 719–22

Racism, follow-on conference to 2001 Durban World Conference on, *CP* 355
Rape
sexual slavery, 149
U.S. supports UNSC resolution on sexual violence during armed conflict, *BN* 899–900
Ratner, Steven R., Regulatory Takings in Institutional Context: Beyond the Fear of Fragmented International Law, *LA* 475
Raven-Hansen, Peter, *BR* of Goldsmith, 672
Recent Books on International Law, 197, 384, 672, 902
Reclaiming Democracy: The Strategic Uses of Foreign and International Law by National Courts, *LA* 241
Reed, Lucy, *BR* of Amerasinghe, 684
Reevaluating Regional Human Rights Litigation in the Twenty-first Century: The Case of the Inter-American Court, *LA* 768
Refugees
United Nations Convention Relating to the Status of (1951), 252, 263–67
Protocol Relating to Status of (1967), 263, *ID* 618, *CP* 883
Regulatory Takings in Institutional Context: Beyond the Fear of Fragmented International Law, *LA* 475
Reisman, W. Michael, Draft Protocol for the Enforcement of ICJ Judgments, 561–62
Restatement (Second) of the Law, Torts, 185
Restatement (Third) of Foreign Relations Law of the United States, 147, 540, 543–45, 552–53
Revitalizing the U.S. Compliance Power, *Ag.* 551
Rogers, William D.
memorial on, *NC* 108
See also Brower, Charles N.
Russia
in two cases by Japan before ITLOS, *ID* 316–22
joint statement with U.S. reaffirming support for INF Treaty, *CP* 191–92

Sanctions
listing and delisting procedures, 295–99, 305–07
selective, *ID* 331–34, 336–37
targeted, 294–99
Schabas, William A., The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone, *BR* 696
Schreuer, Christoph, *see* Dolzer, Rudolf
Schwebel, Stephen M.
BR of Dolzer and Schreuer, 915
BR of Tudor, 915
Seibert-Fohr, Anja, *see* Wolfrum, Rüdiger
Serbia
U.S. protests lack of security in attack on embassy, *CP* 640–41
as continuator state of Socialist Federal Republic of Yugoslavia, *CD* 590–92
Settlement of disputes
clean hands doctrine, *ID* 125
delimitations of EEZ and continental shelf boundaries, *ID* 113, 116–28
initiation of WTO system, *CP* 331–37
nonbinding means of, under UN Charter, 294
on regulatory takings, *see* International investment law
prompt release on bond, *CP* 316–22
proportionality, *LA* 715–67
third state interests, *ID* 117–19
Shelton, Dinah, BR of du Plessis & Peté, 917
Shore, Laurence, *see* McLachlan, Campbell
Singapore, territorial dispute with Malaysia before ICJ, *ID* 828–34
Slavery Convention (1926), 28
Supplementary Convention on the Abolitions of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), 29
Sloane, Robert D., *BR* of Drumbl, 197
Somalia, continued U.S. Navy operations against pirates off coast of, *CP* 169–70
South Africa, Black Empowerment Act, 82

State responsibility, *ID* 341, 437–38, 450, 467, *CD* 588, 594–98, *CD* 606, 608
Stoll, Peter-Tobias, *see* Wolfrum, Rüdiger
Stürchler, Nikolas, The Threat of Force in International Law, *BR* 918
Sudan, new U.S. sanctions against entities in, *CP* 174
Suriname
in case before UNCLOS Tribunal, *ID* 119–28
in indigenous rights case before IACHR, *ID* 841–47
U.S. law on divestment in companies doing business with, *CP* 370–73

Teitelbaum, Ruth, *See* Reed, Lucy
Terrorism
and nonstate actors, 290–95
expulsion of suspected terrorists, *ID* 616–22
Global Initiative to Combat Nuclear Terrorism, *CP* 870–72
interjudicial cooperation against, 245, 247, 249, 253–58, 270–71
jurisdiction of military commissions in war against, *Ed.* 573–86
liability waived in terrorism suits, *CP* 350–52, *CP* 641–42, *CP* 892–93
U.S. Legal Adviser on detention of transnational terrorists, *CP* 367–70
See also International law, UN Security Council
Terrorism financing
deliberations on, in UNSC, 275, 284–89, 290–94
International Convention for the Suppression of the Financing of Terrorism (1999), 284
Torture
and *non-refoulement* principle, *ID* 621–22
diplomatic assurances, *ID* 619–22, *CP* 882–84
ICRC-U.S. meeting on detention practices, *CP* 366–67
legislation to limit CIA interrogation methods vetoed, *CP* 650–51
prohibition against, *ID* 616–22
risk of subjection to, *ID* 616–22, *ID* 853–54, 857–59
UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), 184, 361, 652, 853, 857, *CP* 882–84
Committee Against Torture, *ID* 620
U.S. secret legal memoranda on severe interrogation tactics, *CP* 177–79, *CP* 651–53
U.S. policy on interrogation of detainees and waterboarding, *CP* 178–79, *CP* 359–61, 363
Treaty Capacity and the Russian State Corporation, *CD* 311
Tudor, Ioana, The *Fair and Equitable Treatment Standard* in the International Law of Foreign Investment, *BR* 915
Turkey
"Armenian genocide" resolution unlikely to pass, *CP* 186–87
Claims Agreement Between the U.S. and Turkey (Ankara Agreement), *CP* 349–50
[The] 2007 Judicial Activity of the International Court of Justice, *CD* 588

Uniform Foreign Money-Judgments Recognition Act, 560
United Kingdom
in assisted reproductive technologies in case before ECHR, *ID* 128–34
in case on interning individuals in Iraq before UKHoL, *ID* 337–45
Defense Trade Cooperation Treaty with U.S., *CP* 373–75
Divisional Internment Review Committee, *ID* 338
extraterritorial jurisdiction in case before UKHoL, *ID* 628–34
Human Rights Act of 1998, 338, *ID* 628–29
United Nations
additional sentences and settlements in UN oil-for-food program cases, *CP* 352–55, *BN* 670–71
attribution of conduct to, *ID* 324–31, 339–42
United Nations Charter, 529, 531, 535, 719–22
breach of the peace under Article 39, 283
Chapter VII, 270, 284, 287, 290–91, 299, *ID* 324–26, 328, *CP* 664
compliance with ICJ judgments (Article 94), 531–42, 552–59, 566–72, 624, 636
as non-self-executing provision, 529, 533, 541–44, 548, 552, 555–59, 566–72, *ID* 624–25, 628, *CP* 635–37
implementation of, 532, 535, 542, 556, 558, 624, 636
"undertakes to comply", 531–39, 542, 553, 556–59, 571–72, *ID* 624, *CP* 636

See also United States Supreme Court
Counter-Terrorism Executive Directorate staff under Article 100, 285
dispute settlement under Chapter VI, 294
primacy of treaty obligations, *ID* 340, 342–343
prohibition on use of force, 719–20
right to self defense (Article 51), 719–20
UNSC authority and obligations under, 284, 287, 290–91, 298–99
veto power, 535, 571–72
United Nations Commission on Human Rights, 1, 6, 13, 35–36
consideration of Universal Declaration of Human Rights, 5–8
draft Declaration on Human Social Responsibilities, 1–3, 32–40
draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, 1–3, 37–47
negotiations on Human Rights Defenders Declaration, 35
Sub-Commission on the Promotions and Protection of Human Rights, 32–33, 37
See also International human rights law; United Nations Human Rights Council
United Nations Convention on the Rights of the Child (1989), 21
United Nations Economic and Social Council, 36
United Nations Framework Convention on Climate Change (1992), *CP* 167
Kyoto Protocol (1997), *ID* 134, 165–67
U.S. position on negotiations for follow-up treaty, *ID* 165–68
United Nations General Assembly, 300
consideration of Universal Declaration of Human Rights, 8–10
on investment in developing countries, 52
on state responsibility, 437–38, 467
U.S. vote against biennial budget breaks consensus, *CP* 355–56
United Nations High Commissioner for Human Rights (UNCHR), on U.S. use of waterboarding, *CP* 361
United Nations High-Level Panel on Threats, Challenges and Change, 302, 305
United Nations Intergovernmental Panel on Climate Change (IPCC), *CP* 166
United Nations Interim Administration Mission in Kosovo (UNMIK), *ID* 323–28, 339–40
United Nations Security Council
adopts third sanctions resolution on Iran, *CP* 664–67
and deliberative deficit, *LA* 275–308
as quasi-judicial body, 294–99
deliberative principles and procedural fairness, 283, 294–99, 304–05
in negotiation and implementation of resolutions, 275–76, 294–97, 302–08
sanctions regimes and procedures, 294–99, 305–07
as quasi legislature, 283–94, 299–300
in negotiation and implementation of resolutions, 275–76, 283–94
authority and obligations, 284, 287, 290–91, 298–99
authority to detain and intern individuals in Iraq, *ID* 337–45
Counter-Terrorism Committee (CTC), 270, 284–90, 295, 304
Counter-Terrorism Executive Directorate (CTED), 285–86, 288–89, 306
establishment and revitalization of, 283–85, 287, 289
counterterrorism efforts, 253, 283–289, 297–99, 303–07
delegation of powers, 324–28, 342
deliberative democracy and decision-making, *LA* 275–308
among permanent members, 290, 292, 300–01
and public policy-making, 276–83
communicative action and interactional theories of, 279–82
deliberative principles, 283–89, 292–94, 297–99, 303–09
legal argumentation, 280–83
participants, 300–06
extension of Multi-National Force–Iraq (MNF-I), *CP* 156–57
1540 Committee, 290–93, 304, 306
interpretation by courts of resolutions, 297–98, *ID* 338–44
Multinational Force in Iraq (MNF), *ID* 337–40, 342–43, *CP* 866
responsibility for conduct of, *ID* 339–40,
primacy of resolutions, *ID* 340, 342–44
procedures, 276, 283–89, 292–94, 300–08

Resolution 1540 on weapons of mass destruction, 275–76, 283, 290–94, 299, 302–03, 308
Resolution 1373 on terrorism financing, 275–76, 283–90, 299, 302–03, 308
Resolution 1267 on counterterrorist targeted sanctions, 275–76, 294–99, 302–08
1267 Committee, 275, 294–99, 304, 306–08
U.S. efforts in, to curb Iran's nuclear program, *CP* 187–90, *CP* 664–67
U.S. supports resolution condemning sexual violence during armed conflict, *BN* 899–900
U.S. views on expansion of, and Japanese membership, *CP* 195
veto of U.S. proposal for Zimbabwe sanctions, *BN* 895–96
voting in, 302–03, 305
United States
Administrative Procedure Act, 141
Alien Tort Claims Act (ATCA), 44–45, 158, 183–85
Alien Tort Statute (ATS), *CP* 643, 645, 657–64, *CP* 896
Burmese Freedom and Democracy Act of 2003, 175–76
Byrd Amendment, *ID* 335
Claims Agreement Between the U.S. and Turkey (Ankara Agreement), *CP* 349–50
Clean Air Act, *ID* 135–38
Clean Diamond Trade Act, *CP* 900
Declaration of Principles for a Long-Term Relationship with Iraq, *CP* 155–58
Detainee Treatment Act (DTA), *CP* 178, *CP* 365–66, *ID* 848–52, *CP* 863–64, 876
Foreign Affairs Reform and Restructuring Act, *ID* 858
Foreign Corrupt Practices Act, *CP* 353
Foreign Sovereign Immunities Act (FSIA), *CP* 350, *CP* 643–45, 661
Genocide Accountability Act of 2007, *BN* 378–79
Global Climate Protection Act of 1987, *ID* 140
in anti-dumping case by Mexico before WTO, *ID* 834–41
in case by Canadian cattlemen before NAFTA, *CP* 376–77
in consular notification case by Mexico before ICJ, *CP* 635–38, *CP* 860–63
in softwood lumber dispute before LCIA, *CP* 192–94
Intercountry Adoption Act (IAA), *CP* 194–95
International Emergency Economic Powers Act, *CP* 174–75
legal status of U.S. security firms in Iraq, *CP* 161
Libyan Claims Resolution Act, *CP* 893
Military Commissions Act of 2006 (MCA), *CP* 181–82, 258, *CP* 364, 366, *Ed.* 585, *CP* 653–55, *ID* 848–51, 853, *CP* 874, 877
Military Extraterritorial Jurisdiction Act, *CP* 161
National Defense Authorization Act for Fiscal Year 2008, *CP* 350–52, *CP* 641–42
Racketeer Influenced and Corrupt Organizations Act (RICO), *CP* 183–85
San Francisco Peace Treaty (U.S.-Japan) (1951), *ID* 149, 151–52
Sudan Accountability and Divestment Act of 2007, *CP* 370–73
Trade Act of 1974, *ID* 332
Trade Promotion Act of 2002, 514
Trading with the Enemy Act, *CP* 885
Torture Victim Protections Act (TVPA), *CP* 183–85, *CP* 643, 645, 662, *CP* 881
U.S.-Canada Softwood Lumber Agreement, 43, 79, *CP* 192–94
U.S. Foreign Military Financing Program, *CP* 159
U.S.-India Peaceful Atomic Energy Cooperation Act (2006), *CP* 897–98
U.S.-Peru Trade Promotion Agreement, 96–98, *CP* 195
Uruguay Round Agreements Act, 560–61
United States Central Intelligence Agency
Director on interrogation methods and waterboarding, *CP* 359–61, 63
legislation to limit interrogation methods of, vetoed, *CP* 650–52
transfer of detainees, *CP* 654–55
United States Congress
and treaty implementation, 529, 538–40, 545–46, 549, 558–62, *ID* 622–28, *CP* 636–38
approves authorizing legislation for Peru trade agreement, *CP* 195
approves Defense Authorization Act with authority for Iraq waiver, *CP* 350–52
excessive use of force by U.S. security firms in Iraq, *CP* 161–62

proposal to waive liability for countries removed as state sponsors of terrorism, *CP* 641–42
wartime powers, 576, 578–79
United States Constitution and international law
cruel and unusual conduct, *CP* 652–53
due process clauses, *CP* 652–53, 868
habeas corpus, 575, 577, *CP* 864–65
jury trial provisions and exceptions, *Ed.* 573–77
military commissions' jurisdiction under, *Ed.* 573–86
Necessary and Proper clause, *ID* 625
separation of powers, 529, 538–39, 567–68, *CP* 864–66
Supremacy Clause, *CP* 349, 535, 541, 543, 545–46, 549–50, 558–59, 562–63, 565, 567–69, *ID* 623–24, 627
Suspension Clause, 575, *ID* 848–53, *CP* 864–65
Take Care Clause, 549, 565, *ID* 626, *CP* 637–38
United States Court of Appeals
dismissal of Agent Orange litigation, *CP* 662–64
dismisses suit against IDF general for shelling UN compound, *CP* 643–45
dismisses suit on sale of bulldozers to Israeli Defense Forces, *CP* 158–59
divided ruling on aiding and abetting rights violations, *CP* 183–85
first review of Combatant Status Review Tribunal (CSRT) finding, *CP* 876–77
no wrongful rentention in child custody case, *CP* 893–94
on damages from extraordinary rendition, *CP* 880–82
on disclosure of detainee information, *CP* 364–67, *ID* 851–52
on exceptions to immunity under FISA, *CP* 644–65
on foreign sovereign immunity in Marcos assets claims, *CP* 346–47, *CP* 869–70
on political question doctrine, *CP* 158–59
on self-executing treaties and private rights, *CP* 159–61
overturns designation as enemy combatant, *CP* 876–77
United States Department of Defense
Army Field Manual on interrogation of detainees, *CP* 361
Combatant Status Review Tribunals, *CP* 364–66, *ID* 848–52, *CP* 876–77
continued U.S. Navy operations against pirates off Somalia coast, *CP* 169–70
court-martial of civilian defense contractor in Iraq, *BN* 669, *BN* 898–99
destroys falling satellite to prevent injury risk on earth, *CP* 646–47
detainees in Iraq and Afghanistan including juveniles, *CP* 879–80
Guantánamo Bay
chief prosecutor in military commission proceedings resigns, *CP* 182
detainee access to ICRC, *CP* 182–83
detainees' right to habeas corpus review, *CP* 366, 369, 577, 581, *ID* 848–54, *CP* 863–66, *CP* 875
detainee transfers and releases, *CP* 181–82, *CP* 654–55, *CP* 878–79
detainee trials and status review, *CP* 181–83, *CP* 361–67, *CP* 654–57, *ID* 848–54, *CP* 873–79
disclosure of detainee information, *CP* 365–66, *ID* 851–52
first full military commission trial (Hamdan), *CP* 873–75
former secretaries of state call for ending detentions at, *CP* 653–54
ICRC-U.S. meet on detention practices, *CP* 366–67
interrogation of detainees, *CP* 359–61, 363, 652–53
judicial review procedures, *CP* 364–66, *ID* 851–53
jurisdiction of military commissions, *Ed.* 573–86
manuals on detention operations authorize denial of ICRC access, *CP* 182–83
military use of herbicides during Vietnam war, *CP* 662–64
opposes House resolution on "Armenian genocide", *CP* 186–87
proceedings against U.S. military personnel for possible offenses in Iraq, *CP* 185–86
Secretary on new cluster munitions policy, *CP* 890–92

senior Marine Corps regional defense counsel retiring, *CP* 182
Uniform Code of Military Justice (UCMJ), 579–80, 669, 579
first case under amendment to, *BN* 669, *BN* 898–99
United States Department of Homeland Security
Argentine former army officer deported for human rights abuses in homeland, *CP* 179
Immigration and Customs Enforcement (ICE) human rights violators program, *CP* 179–81
United States Department of Justice
additional sentences and sanctions for UN Oil–for–Food program abuses, *BN* 670–71
Attorney General on death penalty in military commissions trials, *CP* 654
Attorney General on waterboarding as torture, *CP* 361
Attorney General requests Texas give effect to ICJ *Avena* decision, *CP* 862
cooperation with foreign law enforcement authorities, *CP* 352–55, 356–57, *BN* 380
cosponsors Intellectual Property Criminal Enforcement Network (IPCEN), *BN* 381–82
criminal charges for violations of arms controls on Iran, *BN* 380
interrogation techniques against terrorists, *CP* 177–79, *CP* 651–53, *CP* 359-61
jurisdiction in cases of U.S. citizens held by U.S. forces in Iraq, *CP* 347
obstruction of justice in Luis Posada Carriles case, *BN* 382–83
possible criminal prosecutions of U.S. security firms in Iraq, *CP* 162
secret legal memoranda on severe interrogation tactics, *CP* 177–79, *CP* 651–53
sentencing of foreign participants in international bid-rigging conspiracy, *CP* 356–57
settlements in cases of illegal kickbacks to Iraq in UN Oil–for–Food program, *CP* 196, *CP* 352–55
supports certiorari petition to USSC in Marcos assets case, *CP* 347
United States Department of State
additional measures to curb Iran's nuclear program, *CP* 176–77, *CP* 664–67
agreement with Libya on Pan Am 103, *CP* 892–93
approves Canada-U.S. border-crossing permit for Keystone Pipeline, *BN* 670
cluster munitions policy, *CP* 890–92
concludes defense trade cooperation treaties with UK and Australia, *CP* 373–75
cosponsors Intellectual Property Criminal Enforcement Network (IPCEN), *BN* 381–82
cyber-security views, *CP* 650
federal foreign affairs power, *CP* 349–50
international climate change positions, *CP* 164–68
International Traffic in Arms Regulations (ITAR), *CP* 373–75
internet governance norms and structures policy, *CP* 648–50
joint statement with Russia supporting INF Treaty, *CP* 191–92
landmine deployment and use policy, *CP* 190–91
Legal Adviser on Arctic legal regime, *CP* 873
Legal Adviser on detention of transnational terrorists, *CP* 367–70
Legal Adviser on diplomatic assurances, *CP* 882–84
Legal Adviser on human rights litigation under Alien Tort Statute, *CP* 657–62
on follow-up treaty to Kyoto Protocol, *CP* 165–68
on International Civil Aviation Organization (ICAO) actions to reduce aviation greenhouse gas emissions, *CP* 171–73
opposes additional arms control measures on outer space activities, *CP* 667–69
opposes House resolution on "Armenian genocide", *CP* 186–87
protests lack of security in attack on Belgrade embassy, *CP* 640–41
ratification and entry into force of Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993), *CP* 194–95, *BN* 671
ratification of Convention on Supplementary Compensation for Nuclear Damage, *BN* 897
regulations on conflict diamonds, *BN* 900–01
Secretary chairs UNSC debate on sexual violence; supports resolution, *BN* 899–900
Secretary requests Texas give effect to ICJ *Avena* decision, *CP* 862
Secretary says Kosovo independence not a precedent, *CP* 638–40

signing of Convention on the International Recovery of Child Support and other Forms of Family Maintenance, *CP* 377–78
supervision of contract security personnel in Iraq, *CP* 161–62
supports expedited phase-out of hydrochlorofluorocarbons (HCFCs), *CP* 173–74
urges full Senate approval of UN Law of the Sea Convention, *CP* 168–69
United States Department of Transportation
conflict with EU over aviation greenhouse gas emissions, *CP* 171–73
on role of ICAO, *CP* 171–73
United States Department of the Treasury
additional sanctions against Iran, Burma, and Sudan, *CP* 174–77
regulations tightened on conflict diamonds, *BN* 900–01
United States district court
on claims settled by foreign affairs power, *CP* 349–50
United States Environmental Protection Agency (EPA)
authority to regulate greenhouse gas emissions, *ID* 134–43
climate change policy, *ID* 139–40
in case by Massachusetts before U.S. Supreme Court, *ID* 134–43
United States Foreign Claims Settlement Commission, 480, 488, 521, 527
and diplomatic protection regime, 493–96
and regulatory takings claims, 493–96
United States House of Representatives
approves Military Extraterritorial Jurisdiction Expansion and Enforcement Act, *CP* 161–62
fails to override Presidential veto on CIA interrogation methods, *CP* 651
resolution on "Armenian genocide stalled", *CP* 186–87
United States President
additional sanctions against Sudan, *CP* 174
approves further reductions in nuclear weapons stockpile, *BN* 379–80
authority to create military commissions, 576, 579
compliance with ICJ *Avena* decision, 540, 551–55, 565–72, *ID* 622–28, *CP* 635–38
Executive Order 13,448 on sanctions against Burma, *CP* 174–76
foreign affairs powers, 140, 529, 538–39, 541, 544, 549–60, 563–72, *ID* 622–26, 628, *CP* 637–38
letter recognizing Kosovo as independent state, *CP* 638–40
Major Economies process, *CP* 166–67
on aggressive interrogation, waterboarding, of terrorism suspects, *CP* 359–61
on North Korean nuclear program, *CP* 884–87
on Supreme Court ruling on habeas corpus for Guantánamo detainees, *CP* 865–66
on UNSC expansion and Japan membership, *CP* 195
signing Declaration of Principles with Iraq, *CP* 155–58, *BN* 894–95
submits Columbia Trade Agreement for Senate approval, *CP* 647–48
submits defense trade cooperation treaties with UK and Australia to Senate, *CP* 348, 373–75
submits eight treaties for Senate approval, *CP* 348
urges full Senate approval of UNCLOS, *CP* 168–69
vetoes legislation to limit CIA interrogation methods, *CP* 650–52
vetoes original, then signs revised National Defense Authorization Act for Fiscal Year 2008, *CP* 350–52
waives Iraq liability in terrorism suits, *CP* 350–52
wartime powers, 576, 578–79, 582
United States Securities and Exchange Commission
settlements in Iraq UN Oil–for–Food program cases, *CP* 352–55
United States Senate
approves eight tax and intellectual property treaties, *CP* 357–59
hearings on interrogation and waterboarding of terrorist suspects, *CP* 178–79, *CP* 359–61
receives defense trade cooperation treaties with UK and Australia, *CP* 348, 373–75
UN Law of the Sea Treaty favorably reported out of Committee, *CP* 168–69
urged to approve UNCLOS, *CP* 168–69
United States Supreme Court
affirms lower court case by default, *BN* 896–97
denies request for stay of execution of Medellín death sentence, *CP* 862–63
jurisdiction, *ID* 622–24, *CP* 636, *CP* 861

in claims of U.S. citizens on detention in Iraq, *CP* 347, *ID* 854–59, *CP* 866–68
to review military detention of noncitizens, *ID* 848–54
lack of quorum, *BN* 896–97
modalities of treaty interpretation, *Ag.* 529–40, 546, 550, 553–56
on assessing risk of torture, *ID* 854, 857–59
on "binding force" provision in ICJ Statute, 532
on climate change, *CP* 136–38
on Congressional preemption of state sanctions, *CP* 371
on domestic effect of ICJ decisions, *Ag.* 529–72, *ID* 622–28, *CP* 636–37
on executive foreign affairs powers, 529, 538–39, 541, 544, 549–60, 563–72, *ID* 622–28, *CP* 635–38
on foreign sovereign immunity, *CP* 346–47, *CP* 869–70
on habeas corpus, *ID* 848–57, *CP* 866–68
on ICJ jurisdiction, 531–321, *ID* 622–24, *CP* 636
on indispensable parties, *CP* 346–47, *CP* 869–70
on non-self-executing treaties, *Ag.* 54–51, 554, 558, 561, 568–72, *ID* 622, 624–27, *CP* 635–38
on *parens patriae*, *ID* 134–38
on Presidential directive on ICJ decision, 551–55, 565–72, *ID* 623–28, *CP* 635–38
on sovereign jurisdiction over crimes within country's territory, *ID* 856–57
on state police powers, 540, 554, *ID* 626
on state's standing to bring petition for certiorari, *ID* 134–38
on transfer of detainee to foreign country, *ID* 856–58
on treaty self-execution, 533, 539–41, 543–45, 547–50, 553, 555–56, 559–62, 565, 567, 569–72, *ID* 622–28, *CP* 635–38
on UN Charter Article 94, 535 36, 538, 567–69, 572
non-self-executing status, 533, 552–56, 558–59, 563, 566–71
"undertakes to comply", 531–33, 535, 538, 541–42, 552–56, 558, 566, 571–72, *ID* 624
UNSC implementation, 532, 535, 556, 571
Universal Declaration of Human Rights (1948), 3–14, 33–35, *CP* 195, *ID* 344
Use of force
by U.S. security firms (Blackwater) in Iraq, *CP* 161–62
under UN Law of the Sea Convention, *ID* 125

Vagts, Detlev F.
BR of Fassbender, 211
Military Commissions: Constitutional Limits on Their Role in the War on Terror, *Ed*, 573
Van Harten, Gus, Investment Treaty Arbitration and Public Law, *BR* 909
Vázquez, Carlos Manuel, Less than Zero?, *Ag.* 563
Verdier, Pierre-Hugues, *ID* 143–48
Vienna Convention on Consular Relations (1963), 529, 534, 538
as non-self-executing treaty, *CP* 635–37
as self-executing treaty, *CP* 160, 529, 531–32
failure to provide consular information, *CP* 159–61, *ID* 622–24, 626, *CP* 860, 863
Optional Protocol to the Vienna Convention on Consular Relations Concerning the Compulsory Settlement of Disputes (1963), 529, 531–32, *ID* 622–25, 627, *CP* 635–38
as non-self-executing treaty, 529, 531–32, *ID* 624
ICJ jurisdiction, 531, *ID* 622–24, *CP* 636
U.S. withdrawal from, 556, *ID* 623
protection of diplomatic staff and facilities, *CP* 641, *CP* 869
Vienna Convention on the Law of Treaties (1969), *ID* 342–43, 487–88, 514–15
and WTO practice, 425, 434–37, 442–57, 459–63, 467, 469–74, *ID* 838
on interpretation of treaties, 529–30, 532–34, 536
Villalpando, Santiago, *see* Bodeau-Livinec, Pierre
Vinopal, Kelly, *BR* of Cummins, 233
Vrdoljak, Ana Filipa, International Law, Museums and the Return of Cultural Objects, *BR* 408

Waibel, Michael, winner of Francis Deák Prize, 587
War crimes
interjudicial cooperation on, 268–69
sexual violence during armed conflict, *BN* 899–900
Weiniger, Matthew, *see* McLachlan, Campbell
Wilde, Ralph, *ID* 628–34

Wolfrum, Rüdiger, Peter-Tobias Stoll, and Anja Seibert-Fohr (Eds.), WTO: Technical Barriers and SPS Measures, *BR* 936
World Food Program, *CP* 887–88
World Trade Organization (WTO), 48–50, 53, 58–59, 105–06, *LA* 421–74
Agreement on Subsidies and Countervailing Measures (SCM) (1994), 426–29, 438, 457, 463, 742–47
Agreement on Technical Barriers to Trade (TBT), 61, 68
Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) (1994), 61, 68, *ID* 332, 442–43
Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (1994), 105, 268, 423, 426–32, 445, 456
Protocol Amending The TRIPS Agreement (2005), 430, 473
Agreement on Trade-Related Investment Measures (TRIMS) (1994), 50
and customary international law, 421, 425–26, 435–39, 443, 455–57, 467
and EC Trade Barriers Regulation, *ID* 331
and nondiscrimination, 53
and proportionality, 742–52, 766
Antidumping Agreement (1994), 432–33, 442, 466, *ID* 834–41
Appellate Body, 48–49, 70–72, 421, 424–25, 430–31, 434–35, 439–49, 452–59
and proportionality, 747–51, 766
dumping defined, *ID* 836–37
legal relevance of reports of, 462–66, *ID* 839
on capacity to manage resources, *ID* 612–13
on discriminatory application of trade measure, *ID* 610–16
on EC provisions on hormones in animal feedstuffs, *ID* 332, 439, 442
on exhaustible natural resources, 445, 448, 472–73
on national treatment, 48–49, 60–66, 70–72, 76–83, 86–89
on "zeroing", *ID* 834–41
trade-environment suits, *ID* 611–13
Committee on Anti-Dumping Practices, 423, 430–33, 473
coexistence with other free trade associations, *ID* 614–16
Dispute Settlement Body, 337, 742–43
authorization for U.S. suspension of tariff concessions, *ID* 332–34
relationship to covered agreements, 425, 444, 465
selective sanctions, *ID* 331–34, 336–37
dispute settlement system, 53, 62–66, 331–32, 334–35, *LA* 421–74, *ID* 835, 838–41
interpretive elements, 425–26, 443–70, 472–73, 559, *ID* 839
sources of law, 421–43, 473–74
textualism, 445–47, 451–52, 470–72
See also Vienna Convention on Law of Treaties
General Agreement in Trade in Services (GATS) (1994), 50, 59, 61, 78, 88, 428, 431, 458–60
General Agreement on Tariffs and Trade (GATT), 53–54, 431, 438–40, 449–52, 462–68
and proportionality principle, 719, 749
anti-dumping provisions, *ID* 835–39
economic development assistance, 460–61
exceptions provisions, 62–65, 72–73, 76, 80–83, 87–88, 468, 471–72, *ID* 610–16
Modalities Paper, 458–59, 472
national treatment provisions, 58–73, 76–84, 86–89
quantitative restrictions, 80, *ID* 611
relationship of, to Havana Charter, 423, 427
territorial application, *ID* 615
Marrakech Agreement Establishing the World Trade Organization (1994), 423–38, 443–44, 448–55, 458, 461–63, 468, 560–61
Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), 332–36, 421–27, 434–44, 452, 455, 465–66, 469, *ID* 839–40
and proportionality, 742–49
arbitrators' powers, *ID* 334
U.S. approval of, 105

Yugoslavia, status of, *see* Serbia

Zasloff, Jonathan M., *ID* 134–43
Zaum, Domink, The Sovereignty Paradox: The Norms and Politics of International Statebuilding *BR* 405
Zimbabwe, U.S. proposal for sanctions against, vetoed in UNSC, *BN* 895–96

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOLUME 102 CONTENTS 2008

[No. 1, January 2008, pp. 1–240; No. 2, April 2008, pp. 241–419; No. 3, July 2008, pp. 421–714; No. 4, October 2008, pp. 715–972.]

PAGE

Horizontal Human Rights Law *John H. Knox* 1

Nondiscrimination in Trade and Investment Treaties: Worlds Apart or Two Sides of the Same Coin? *Nicholas DiMascio and Joost Pauwelyn* 48

Reclaiming Democracy: The Strategic Uses of Foreign and International Law by National Courts *Eyal Benvenisti* 241

Legislation and Adjudication in the UN Security Council: Bringing Down the Deliberative Deficit *Ian Johnstone* 275

No Outsourcing of Law? WTO Law as Practiced by WTO Courts *Petros C. Mavroidis* 421

Regulatory Takings in Institutional Context: Beyond the Fear of Fragmented International Law *Steven R. Ratner* 475

On Proportionality of Countermeasures in International Law *Thomas M. Franck* 715

Reevaluating Regional Human Rights Litigation in the Twenty-first Century: The Case of the Inter-American Court *James L. Cavallaro and Stephanie Erin Brewer* 768

Agora: *Medellín*

Medellín's New Paradigm for Treaty Interpretation *David J. Bederman* 529

Intent, Presumptions, and Non-Self-Executing Treaties *Curtis A. Bradley* 540

Revitalizing the U.S. Compliance Power *Steve Charnovitz* 551

Less than Zero? *Carlos Manuel Vázquez* 563

Editorial Comments

The ILO Convention on Freedom of Association and Its Future in the United States *Steve Charnovitz* 90

Military Commissions: Constitutional Limits on Their Role in the War on Terror *Detlev F. Vagts* 573

Notes and Comments

William D. Rogers (1927–2007) *Charles N. Brower* 108

The Francis Deák Prize 587

Correspondence 309

Current Developments

Treaty Capacity and the Russian State Corporation — *William E. Butler* — 310
The 2007 Judicial Activity of the International Court of Justice — *D. Stephen Mathias* — 588

International Decisions — *Edited by Daniel Bodansky; David J. Bederman*

Territorial and Maritime Dispute Between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) (Coalter G. Lathrop) 113
Guyana and Suriname (Stephen Fietta) 119
Evans v. United Kingdom (Orna Ben-Naftali and Iris Canor) 128
Massachusetts v. Environmental Protection Agency (Jonathan M. Zasloff) 134
R. v. Hape (Pierre-Hugues Verdier) 143
Nishimatsu Construction Co. v. Song Jixiao et al.; *Kō Hanoko et al. v. Japan* (Mark A. Levin) 148
The "Tomimaru" (Japan v. Russian Federation) (Bernard H. Oxman) 316
Behrami & Behrami v. France; Saramati v. France, Germany & Norway (Pierre Bodeau-Livinec, Gionata P. Buzzini, and Santiago Villalpando) 322
Fédération des industries condimentaires de France (FICF) et al. v. Commission (Nikolaos Lavranos) 331
R (on the application of Al-Jedda) (FC) v. Secretary of State for Defence (Alexander Orakhelashvili) 337
Brazil—Measures Affecting Imports of Retreaded Tyres (Kevin R. Gray) 610
Saadi v. Italy (Fiona de Londras) 616
Medellín v. Texas (Margaret E. McGuinness) 622
R (on the application of Al-Skeini) v. Secretary of State for Defence (Redress Trust Intervening) (Ralph Wilde) 628
Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) (Coalter G. Lathrop) 828
United States—Final Anti-dumping Measures on Stainless Steel from Mexico (Simon Lester) 834
Saramaka People v. Suriname (Marcos A. Orellana) 841
Boumediene v. Bush (Robert M. Chesney) 848
Munaf v. Geren (Harlan Grant Cohen) 854

Contemporary Practice of the United States Relating to International Law — *Edited by John R. Crook*

United States and Iraq Establish Principles for Future Relationship, Agree to Negotiate Implementing Agreements During 2008 155
Ninth Circuit Bars Suit Against Caterpillar for Selling Bulldozers to the Israeli Defense Forces 158
Ninth Circuit Finds Vienna Convention on Consular Relations Does Not Establish Rights Enforceable Under U.S. Civil Rights Law 159
U.S. Congress and Administration Consider Responses to Excessive Uses of Force by U.S. Security Firms 161
U.S. State Governments Join International Carbon Action Partnership on Global Cap-and-Trade Carbon Markets 162
U.S. Positions in International Climate Change Negotiations 164
Law of the Sea Treaty Reported out of Committee; Timing and Prospects for Full Senate Action Unknown 168
Continued U.S. Navy Operations Against Pirates off Somalia 169
Possible Looming Conflict with EU Regulation of Greenhouse Gas Emissions from Civil Aviation; United States Prefers ICAO Action 171

United States Supports Expedited Accelerate Phase-out of HCFCs 173
United States Imposes New Economic Sanctions on Several Countries 174
Secret Justice Department Memos Said to Sanction "Severe" Interrogation Tactics 177
U.S. Efforts to Identify and Deport Human Rights Abusers 179
Developments Relating to Continued Detentions at Guantánamo Bay 181
Second Circuit Issues Divided Ruling on "Aiding and Abetting" Rights Violations 183
Army Snipers Acquitted of Murder Charges in Killings of Iraqis Using Disputed Tactics 185
Congressional Initiative to Deem Killings of Armenians as Genocide Stalls in House 186
Continuing U.S. and Multilateral Efforts to Curb Iran's Nuclear Program 187
U.S. Policy Regarding Landmines 190
United States and Russia Reaffirm Support for INF Treaty 191
United States and Canada Arbitrate a Softwood Lumber Dispute in the London Court of International Arbitration 192
United States Ratifies Hague Convention on Intercountry Adoption 194
Brief Notes 195
Supreme Court to Hear Disputes Involving Marcos Assets and Jurisdiction over U.S. Citizens Held by U.S. Forces in Iraq 346
Administration Seeks Senate Approval of Eight Treaties During 2007 348
California District Court Finds Post–World War I Agreements with Turkey Trump California Armenian Genocide Statute 348
New Legislation Expands Options to Enforce Terrorism Judgments Against Foreign States; Iraq Exempted 350
Justice and SEC Settle Cases Involving U.S. and Foreign Corporate Kickbacks Under UN Oil-for-Food Program 352
United States Votes Against UN Budget, Breaking Recent Tradition of Consensus on Budgets 355
Foreign Participants in International Bid-Rigging Conspiracy Sentenced to U.S. Prison Terms; Convictions Follow Cooperation with Foreign Authorities 356
Senate Approves Eight Tax and Intellectual Property Treaties 357
Senior U.S. Officials Acknowledge Waterboarding of Three Suspected Terrorists; Administration Defends Practice 359
Criminal Charges Against Alleged 9/11 Mastermind and Other Detainees 361
Other Developments Involving the Military Commissions Act and Guantánamo Bay Detentions 364
State Department Legal Adviser Finds Gaps in Legal Regime for Detention of Transnational Terrorists 367
New U.S. Legislation Authorizes Divestment in Companies Doing Business with Sudan 370
United States Concludes Self-Executing Treaties Intended to Ease Statutory Controls on Military Trade with Close Allies 373
NAFTA Tribunal Finds No Jurisdiction in Canadian Cattlemen's Claim Attacking U.S. BSE Controls 375
United States Signs New Multilateral Convention on Child Support Obligations 377
Brief Notes 378
Supreme Court Overturns Presidential Directive Seeking to Implement ICJ Decision 635
United States Recognizes Kosovo as an Independent State 638
U.S. Responses to Protestors' Attack on Embassy 640

Administration Seeks Additional Authority to Waive New Exceptions to Sovereign Immunity 641
D.C. Circuit Dismisses Suit Against Retired IDF General for Shelling UN Compound 643
United States Destroys Falling Satellite to Prevent Risk of Injury on Earth 646
President Submits Colombia Trade Agreement for Fast-Track Approval; Congress Changes the Rules; Prospects Uncertain 647
U.S. Views on Norms and Structures for Internet Governance 648
President Vetoes Legislation to Limit CIA Interrogation Methods; Superseded Justice Memorandum on Interrogation Techniques Fans Controversy 650
Continued Developments Involving Detentions at Guantánamo Bay 653
State Department Legal Adviser Discusses Human Rights Litigation in U.S. Courts 657
Court of Appeals Affirms Dismissal of Agent Orange Litigation 662
Continued U.S. Efforts to Counter Iran's Nuclear Program 664
United States Opposes Additional Arms Control Measures on Space Activities 667
Brief Notes 669
Mexico Again Sues United States in ICJ; ICJ Directs United States to Block Medellín Execution; U.S. Supreme Court Again Denies Relief; Texas Executes Medellín 860
Supreme Court Affirms Habeas Corpus for Guantánamo Detainees 863
Supreme Court Finds Jurisdiction over U.S. Citizens Detained by U.S. Forces in Iraq, but Rejects Their Requests for Habeas Corpus Relief 866
U.S. Ambassador to Bolivia Returned to Washington Following Embassy Protests 868
Supreme Court Rules for Philippines in Marcos Assets Case 869
United States and Russia Promote Ad Hoc Global Initiative to Enhance Capacity to Deal with Events of Nuclear Terrorism 870
United States Joins in Arctic Declaration, Supports Existing Arctic Legal Regime 872
Hamdan Convicted of Lesser Offense in First Full Military Commission Trial, Sentenced to Time Served Plus Five Months 873
Continuing Developments Involving Detentions at Guantánamo Bay 875
United States Holds Large Numbers of Detainees in Iraq, Afghanistan 879
Second Circuit Panel Dismisses Canadian Citizen's Claims Involving Removal to Syria; Court to Rehear en Banc; U.S. Agencies Investigate Handling of the Case 880
State Department Legal Adviser Testifies Regarding Diplomatic Assurances 882
Apparent Progress in Negotiations to End North Korea's Nuclear Program 884
Continued U.S. Efforts to Counter Iran's Nuclear Program 887
United States Opposes Ban on Cluster Munitions, Supports Alternative CCW Negotiations 889
United States and Libya Sign Agreement to Resolve Pan Am Flight 103 and Other Claims 892
Eleventh Circuit Finds No "Wrongful Retention" in Complex Child Custody Casec 893
Brief Notes 894

Recent Books on International Law *Edited by Richard B. Bilder* 197, 384, 672, 902

International Legal Materials. Contents, Vol. XLVI, No. 6 (2007); Vol. XLVII, Nos. 1–5 (2008) 239, 419, 714, 945

Table of Cases 946

Index 952